
MEETING	WEST & CITY CENTRE AREA PLANNING SUB-COMMITTEE
DATE	18 APRIL 2013
PRESENT	COUNCILLORS WATSON (CHAIR), FUNNELL, GALVIN, GILLIES (VICE-CHAIR), JEFFRIES, LOOKER, REID, SEMLYEN AND FIRTH (SUBSTITUTE)
APOLOGIES	COUNCILLORS ORRELL

51. DECLARATIONS OF INTEREST

At this point in the meeting, Members were asked to declare any personal, prejudicial or disclosable pecuniary interests they might have in the business on the agenda.

Councillor Firth declared a personal non-prejudicial interest in plans items 4b and c (Racecourse) because he attends the racecourse on a regular basis as a member of the Civic Party.

Councillors Watson and Galvin also declared personal non-prejudicial interests in the same item as they also attend the racecourse frequently.

52. EXCLUSION OF PRESS AND PUBLIC

RESOLVED: That the Members of the Press and Public be excluded from the meeting during the consideration of the annexes to Agenda item 7 (Enforcement Cases Update) (Minute 57 refers) on the grounds that they contain information that if disclosed to the public, would reveal that the Authority proposes to give, under any enactment or notice by virtue of which requirements are imposed on a person or that the Authority proposes to make an order or directive under any enactment. This information is classed as exempt under Paragraph 6 of Schedule 12A to Section 100A

of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006.

53. MINUTES

RESOLVED: That the minutes of the meeting of the West and City Centre Area Planning Sub-Committee held on 14 February be approved and signed by the Chair as a correct record.

54. PUBLIC PARTICIPATION

It was reported that there had been no registrations to speak under the Council's Public Participation Scheme on general issues within the remit of the committee.

55. PLANS LIST

Members considered a schedule of reports of the Assistant Director (Planning and Sustainable Development) relating to the following planning applications, outlining the proposals and relevant policy considerations and setting out the views and advice of consultees and officers.

55a 38 Hobgate, York, YO24 4HH (13/00273/FUL)

Members considered a full application from Mr Andrew Bradley for a single storey rear extension and dormer to the rear (amended scheme).

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the appearance of the property and residential amenity. As such the proposal complies with Policies GP1 and H7 of the City of York Development Control Local Plan and the 'Guide to extensions and

alterations to private dwelling houses'
Supplementary Planning Guidance.

**55b Racecourse, Racecourse Road, Knavesmire, York, YO23
1EJ (13/00090/FUL)**

Members considered a full application from York Racecourse Knavesmire LLP for the demolition of the existing perimeter wall, saddling boxes and Broadcasting Box, construction of a new pre-parade ring and Winning Connections building, erection of new perimeter wall, saddling stalls, washdown area and associated ancillary equine facilities including veterinary accommodation, provision of replacement path and associated landscaping.

Officers advised that condition 8 f) and g) regarding drainage should be varied as this was considered too tight as there would be some ground level raising in Flood Zone 3 b), including in the south west corner of the site, to deliver the development.

Members were informed that the Council's Landscape Officer advised that the proposals would result in the loss of three mature lime trees adjacent to the outside elevation of the existing stables wall. However it was considered that the loss of the lime trees would be acceptable as their loss would be sufficiently mitigated by the replacement planting (10 trees) in light of the benefits of the reorganised stables. The proposed changes would therefore not be significantly detrimental to the public views and experience of the Knavesmire.

With regard to the Pre-Parade Ring officers advised that within the site there was a horse chestnut and sycamore which were good, mature specimens that contribute to the general tree cover and character of the race course complex, and are generally worthy of retention. The applicant proposes to retain the sycamore tree, remove the horse chestnut tree and provide two further trees within the parade ring. The Landscape Officer recommended that the sycamore tree and its root system are suitably protected. The loss of the Horse chestnut is not justified by the works in Phase 1 as the terracing could be kept outside of its rooting zone. Whilst it was noted that the removal of the horse chestnut would be justified in Phase 2, there was no strong justification for the removal of the Horse chestnut in Phase 1.

Officers informed the committee that the applicants have advised that the planning application for Phase 2 is to be submitted imminently. It is intended that the new build (Weigh-in Room) works which would require the removal of the horse chestnut tree as part of Phase 2 would be a priority to finalise the improved equine facilities. In view of the possibility of retaining the tree for a year and the associated protection works, the proposed ground levelling works within Phase 1, it is considered on balance that the loss of the horse chestnut tree would be unfortunate but acceptable.

Members expressed their support for the scheme and acknowledged that the Racecourse had made a commitment to planting.

RESOLVED: That the application be approved subject to the conditions listed in the report.

Amended Condition 8

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Details to include:

- a) Peak surface water run-off from the proposed development must be restricted to a maximum 5.1 lit/sec.
- b) Site specific details of the flow control device manhole limiting the surface water to the 5.1 lit/sec.
- c) Storage volume calculations, using computer modelling must be provided, and must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 20% allowance for climate change. The modeling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required. The full range of modelling should be provided.
- d) Site specific details of the storage facility to accommodate the 1:30 year storm and details of how and where the volume above the 1:30 year storm and up to the 1:100 year storm will be stored.
- e) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans. The development should not be

raised above the level of the adjacent land, to prevent runoff from the site affecting nearby properties or,

f) Proposed ground and finished floor levels to Ordnance Datum shall be shown on plans submitted to the Local Planning Authority for approval. Provision shall be made to prevent surface water run-off affecting nearby properties on any part of the development that is raised above the level of the adjacent land.

g) Any raising of levels in the south west corner of the development site (which lies within Flood Zone 3b, functional floodplain) shall be compensated by provision of flood storage elsewhere and shall maintain effective flood routes.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site and that provision has been made to maintain it.

REASON: The proposal, subject to the conditions listed in the report and the amended conditions above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the function and openness of the Green Belt; the visual impact on listed buildings, the Knavesmire and the wider conservation area; recreational use; protected species; flood risk; sustainability. As such the proposal complies with Policies GP1, GB1, GB10, HE2, HE4, GP9, HE11, GP15a, GP4a, NE6, NE7 of the City of York Development Control Local Plan (2005); national planning guidance contained in the National Planning Policy Framework(2012); and the Central Historic Core Conservation Area Appraisal (2011).

55c Racecourse, Racecourse Road, Knavesmire, York, YO23 1EJ (13/00091/CAC)

Members considered an application for conservation area consent for the demolition of the existing perimeter wall, saddling boxes and broadcasting box.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on the character and appearance of the conservation area. As such the proposal complies with guidance contained within the National Planning Policy Framework and Policies HE3 and HE5 of the City of York Development Control Local Plan.

55d Robinson Court, Walmgate, York (13/00165/FUL)

Members considered a full application from York Association for the Care and Resettlement of Offenders (YACRO) for the change of use of the ground floor from office (use class B1) to two flats (use class C3) with external alterations.

Representations were received from Michael Pavlovic on behalf of YACRO. He explained the current layout of the building for the benefit of members. He assured members that changes to the fabric of the building would be minimal and that they were needed to ensure the provision of the service YACRO delivers.

Members advised that their main concern had been that they did not want to lose the control/supervision provided by having the office located within the building but agreed they were happy with the arrangements in place.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the use, the impact on the listed building, neighbouring amenity and flood risk. As such the proposal complies with Policies GP1, GP11, and HE3 of the City of York Development Control Local Plan (2005); and national planning guidance contained in the National Planning Policy Framework(2012).

55e Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00210/FUL)

Members considered a full application from Mr Mike Green for the conversion and extension of an existing potting shed and basement cellar and generator housing into a two bedroom residential dwelling.

Officers advised that a further condition be added to require the applicant to submit details of foul and service water drainage on the site

Members agreed that this was an excellent scheme which would allow the building to be preserved.

RESOLVED: That the application be approved subject to a Section 106 Agreement, the conditions listed in the report the additional condition listed below.

Additional Condition 10 - Drainage

Development shall not begin until details of foul and surface water drainage works have been submitted to and approved in writing by the Local Planning Authority, and carried out in accordance with these approved details.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper drainage of the site.

REASON: The proposal, subject to the conditions listed in the report, and the additional condition above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, amenity and protected species. As such the proposal complies with Policies GP1, HE2, HE3, HE4, HE10, H4a and L1c of the City of York Development Control Local Plan.

55f Proposed Dwelling Adjacent The Lodge, Minster Yard, York (13/00211/LBC)

Members considered an application for listed building consent for the conversion and extension of an existing potting shed and basement cellar and generator housing into a two bedroom residential dwelling.

RESOLVED: That the application be approved subject to the conditions listed in the report.

REASON: The proposal, subject to the conditions listed in the report, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets. As such the proposal complies with Policy HE4 of the City of York Development Control Local Plan.

55g 3 Little Stonegate, York, YO1 8AX (13/00347/FUL)

Members considered a full application from Arc Inspirations LLP for the use of the highway for placing of tables and chairs in connection with approved bar/restaurant.

Representations were received from Mr Adam Sinclair of Mulberry Hall, Stonegate. He asked that additional conditions are added to protect the buildings and environment around the application site and made the following requests:

1. The applicant clears away litter, broken glass and cigarette ends from the pavement and road by 8.30am the following morning.
2. Measures must be taken to prevent damage to premises in the immediate vicinity including criminal damage and cigarette burns.
3. There is no loud noise from the outside area - we regularly hold customer evenings and don't want these to be spoilt by loud noise. It is important to maintain the character and appearance of the conservation area.
4. The pavement cafe should be closed by midnight.
5. The pavement area must be seated and subject to full waiter/waitress service.

Officers confirmed that issues 3 and 4 were already covered by proposed conditions. Members noted that it was not possible to prevent damage to premises through planning permission and that other issues were covered through the premises licence.

Members commented that it would be useful to have a copy of licence conditions for the premises, where available, at the meeting so they can refer to these when considering the planning application.

With regard to the issue of people stubbing out cigarettes on buildings, Members were advised that this was outside the scope of the planning application. Members however requested that an informative be added, requesting that the applicant looks at measures which could be taken to prevent customers from stubbing out cigarettes on nearby buildings, which could include installing facilities for disposing of cigarettes.

Members expressed the view that condition 5 “There shall be no playing of amplified or recorded music” was not tight enough and expressed concerns that music played inside the building may be heard outside. Officers advised that the condition can only refer to the seating area. Members asked that the condition be changed to state that there should be no playing or performing of live, amplified or recorded music within the application site.

RESOLVED: That the application be approved subject to the conditions listed in the report and the amended condition and additional informative below:

Amended Condition 5

There shall be no playing of live or recorded music.

Reason: In the interests of amenity and the character of the conservation area.

Additional Informative

WASTE MANAGEMENT

It is recommend that waste disposal facilities are provided for cigarettes and chewing gum.

REASON: The proposal, subject to the conditions listed in the report and the amended condition and informative above, would not cause undue harm to interests of acknowledged importance, with particular reference to the impact on heritage assets, highway safety and amenity. As such the proposal complies with Policies HE2, S6 and S7 of the City of York Development Control Local Plan.

56. APPEALS PERFORMANCE AND DECISION SUMMARIES

Members received a report which informed them of the Council's performance in relation to appeals determined by the Planning Inspectorate from 1st January to 31 March 2013 and provided a summary of the salient points from appeals determined in that period.

RESOLVED: That the content of the report be noted.

REASON: So that Members can be kept informed on appeals determined by the Planning Inspectorate.

57. ENFORCEMENT CASES UPDATE

Members received a report which provided them with a continuing quarterly update on the number of enforcement cases currently outstanding for the area covered by the Committee.

RESOLVED: That the report be noted.

REASON: To update Members on the number of outstanding Enforcement cases within the Sub-Committee area.

Councillor B Watson, Chair
[The meeting started at 3.00 pm and finished at 4.30 pm].